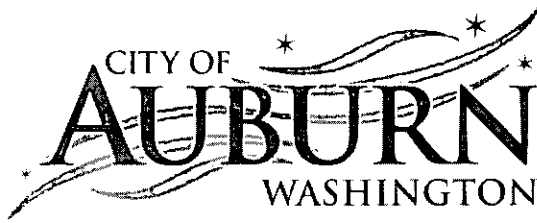




AGENDA BILL APPROVAL FORM

Agenda Subject: Public Hearing for Right-of-Way Vacation V4-09		Date: January 19, 2010
Department: Public Works	Attachments: Staff Report	Budget Impact: \$ 0
Administrative Recommendation: City Council conduct a public hearing in consideration of Right-of-Way Vacation V4-09.		
Background Summary: Per Auburn City Code Chapter 12.48 a public hearing shall be held to consider the proposed right-of-way vacation for V4-09 for right of way in the vicinity of the alley south of West Main Street and west of G Street SW. The date of the public hearing was set by Resolution No. 4559 on February 1, 2010.		
W0301-6 O3.9 V4-09		
Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>		Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Call for Public Hearing ____/____/____ Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____		
Councilmember: Wagner		Staff: Dowdy
Meeting Date: March 1, 2010		Item Number: II.A.1



RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number V4-09

Applicant: Auburn Dairy Products, Inc.

Property Location: Right-of-Way in the vicinity of G Street SW between West Main Street and 1st Street SW.

Description of right-of-way:

This ROW consists of the alley located south of West Main Street and west of G Street SW. The alley is bordered on the north, south and west side by parcel #3915000005, which is owned by and contains Auburn Dairy Products facilities. This portion of ROW is 2,080(+) square feet.

The ROW was initially dedicated to the City of Auburn from Irving B. and Olivia S. Knickerbocker through dedication of the plat Knickerbocker's First Addition to the Town of Auburn, Recording Number 19070812503172, recorded on August 12, 1907.

Proposal:

The Applicant proposes that the City vacate the above described alley. The Applicant currently owns the surrounding parcel and is proposing the vacation of the alley which would assist in the expansion of their plant to increase production and streamline their operations. The alleyway would be an integral part of the redesign of the delivery and milk silo work space allowing for a more linear and streamlined production process.

Auburn Dairy Products, Inc. first applied for vacation of this right-of-way 1985, which was granted with the conditions that the applicant pay half of the assessed value of the property and that the utilities that were located within the alley be relocated and approved by the Public Works Department. Due to expense of relocating the utilities the applicant decided that the proposal was not financially feasible at that time for them and the petition for vacation was abandoned.

Auburn Dairy Products, Inc. applied for vacation of this right-of-way again in 2000. Approval of the vacation was granted on this application with the conditions that the applicant assumes ownership of the sewer line located in the alley as a private line abandon and reconstruct a new side sewer and assume ownership of the storm line located in the alley as a private line. These conditions were to be completed during the time of redevelopment or within six months of approval of the vacation. Several extensions for time to complete the conditions were granted, but the conditions were never met so the alley continued to remain right-of-way.

Applicable Policies & Regulations:

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.

Public Benefit:

- This street vacation decreases the Right-of-Way maintenance obligation of the City.
- The vacated area will be subject to property taxes.

Discussion:

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, Qwest, Verizon and city staff.

1. PSE – “The review indicates that there are no PSE facilities located within said area.”
2. Qwest – No comments
3. Comcast – “Comcast has no facilities in the affected area.”
4. Verizon – No comments
5. Water – No comments
6. Sewer – As a condition of the right-of-way vacation, the applicant will be required to assume ownership of the sewer line which will lie within the applicant’s property. The extent of the assumption of ownership includes Sewer Manhole 808-02, the sewer pipe extending east from that manhole within the applicant’s property and the proposed vacated right-of-way (approximately 135 LF of 10” pipe), and the sewer pipe extending north from that manhole within the applicant’s property (approximately 145 LF of 10” pipe). Although a plan set related to this site shows portions of this line being private, no documentation was found that indicates that a transfer of ownership ever took place.
7. Storm – As a condition of the right-of-way vacation, the applicant will be required to assume ownership of the storm drainage line which will lie within the applicant’s property. The extent of the assumption of ownership includes Storm Manhole E559. This includes the storm pipe extending east from Storm Manhole E559 within the applicants property and the proposed vacated right-of-way of approximately 142 LF of 10” pipe, and the storm pipe extending north from Storm Manholes E559 within the applicants property of approximately 145 LF of 18” pipe. Although a plan set related to this site shows portions of this line being private, no documentation was found that indicates that a transfer of ownership ever took place.
8. Transportation – No comments
9. Building – At this time there is no purposed addition or alteration to the existing buildings. We have no building comments.
10. Planning – No comments
11. Fire – No comments
12. Police – No comments
13. Streets – No comments
14. Information Services – No comments
15. General Review – Any future development or building over the vacated ROW will require that the developer/owner vacate all easements and relocate all affected utilities prior to construction.

Assessed Value:

ACC 12.48 states “The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city

engineer to be greater than \$2,000, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city's expense."

RCW 35.79.030 states the vacation "shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated."

The right-of-way was acquired through dedication of a Plat on August 12, 1907.

Recommendation:

Staff recommends that the street vacation be granted subject to the following conditions:

1. Applicant shall assume complete ownership of the sewer line which will lie within the applicant's property. The extent of the assumption of ownership includes Sewer Manhole 808-02, the sewer pipe extending east from that manhole within the applicant's property and the proposed vacated right-of-way of approximately 135 LF of 10" pipe, and the sewer pipe extending north from that manhole within the applicant's property of approximately 145 LF of 10" pipe.
2. Applicant shall assume complete ownership of the storm line which will lie within the applicant's property. The extent of the assumption of ownership includes Storm Manhole E559. This includes the storm pipe extending east from Storm Manhole E559 within the applicants property and the proposed vacated right-of-way of approximately 142 LF of 10" pipe, and the storm pipe extending north from Storm Manholes E559 within the applicants property of approximately 145 LF of 18" pipe.
3. The right-of-way was originally acquired through dedication of a plat at no cost to the city therefore; Staff recommends that compensation for the value of the right-of-way not be required.

EXHIBIT "A"

